

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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EDWARDYINE AYERS,

Plaintiff,

v.

KELVIN SMITH and KTS SOLUTIONS,

Defendants.

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No. 17-cv-2631-SHL-dkv

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

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Before the Court is Chief Magistrate Judge Diane K. Vescovo's Report and Recommendation for Partial Sua Sponte Dismissal ("Report") (ECF No. 8), filed October 5, 2017, recommending sua sponte dismissal of Plaintiff's pro se Complaint.

A magistrate judge may submit to a judge of the court proposed findings of fact and recommendations for dismissal of a complaint for lack of standing or for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6). 28 U.S.C. § 636(b)(1)(B). "Within 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2); see also 28 U.S.C. § 636(b)(1). A district court reviews de novo only those proposed findings of fact or conclusions of law to which a party specifically objects. Id.; see also Fed. R. Civ. P. 72(b)(3).

The deadline to object to the Report has passed, and Plaintiff has filed no objections. The Court has reviewed the Report for clear error and finds none. Therefore, the Court **ADOPTS** the Magistrate Judge's Report. Plaintiff's claim against Kelvin Smith is **DISMISSED** for failure to

state a claim. The Court **DIRECTS** the Clerk to issue process for KTS Solutions and deliver that process to the Marshal for service along with a copy of the Report; that service of the Complaint (ECF No. 1) be made on KTS Solutions; and that all costs of service be advanced by the United States. The Court also **ORDERS** that Ayers serve a copy of every document filed in this case on the attorney for KTS Solutions; make a certificate of service on every document filed; familiarize herself with the Federal Rules of Civil Procedure<sup>1</sup> as well as the Local Rules;<sup>2</sup> notify the Clerk of any change of address or extended absence; and be warned that failure to comply with these requirements, or any other order of the Court, may result in the dismissal of her case without further notice.

**IT IS SO ORDERED**, this 30th day of October, 2017.

s/ Sheryl H. Lipman  
SHERYL H. LIPMAN  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Available online via the Legal Information Institute (Cornell Law School), <https://www.law.cornell.edu/rules/frcp>.

<sup>2</sup> A free copy of the Local Rules may be obtained from the Clerk. The Local Rules are also available on the court's website at [www.tnwd.uscourts.gov/pdf/content/LocalRules.pdf](http://www.tnwd.uscourts.gov/pdf/content/LocalRules.pdf).